

Zoning and Planning Committee Planning & Development Board



Public Hearing: Petition #46-09

April 27, 2009



#46-09 PMBD - Public Hearings

- Zoning and Planning Committee Public Hearing opened March 23, continued to April 13 and continued again to April 27.
- Planning Board Public Hearing opened April 27.



#46-09 Amend Planned Multi-Use Business Development Ord.(PMBD)

Recommending amendments to the PMBD ordinance (“PMBD”) to create two overlay districts (along Needham Street and a limited portion of Route 9 in Chestnut Hill), in which the PMBD could be used if sites and projects meet certain minimum criteria; and to amend the PMBD’s minimum requirements, special permit criteria, density and dimensional requirements, and loading dock requirements.



#46-09 PMBD - Background

- Planned Multi-Use Business Development Ordinance (“PMBD”) heard and adopted in 2007.
- Allows the Board of Aldermen to grant special permits for mixed use developments in Business 4 districts.
- Parcels must be 10 or more acres, front on a major arterial, & comply with the PMBD’s particular density and dimensional controls, special permit criteria, filing requirements, & other minimum criteria.
- Only major arterial is Route 9, limiting eligible sites to that corridor.



#46-09 PMBD - Purpose

- Allows more flexibility in design and use of large sites on commercial corridors.
- Facilitates mixed used developments.
- Imposes additional special permit criteria to ensure:
 - ✓ Adequacy of public facilities
 - ✓ Mitigation of impacts & compatibility with surroundings
 - ✓ Improvements to housing, parking, and infrastructure, & enhanced access and open spaces
 - ✓ Excellence in design
 - ✓ Not inconsistent with Comprehensive Plan



#46-09 PMBD - Amendments

- Extend the PMBD option to qualifying sites zoned Mixed Use 1 with frontage on Needham Street.
- Amend certain minimum criteria, special permit criteria, dimensional and density requirements, uses allowed in Mixed Use 1 districts, and loading dock requirements.



#46-09 PMBD - Why Now?

- Northland Investment Corporation -
Proposed mixed use at 260 Needham Street.



#46-09 PMBD - Create Overlay Districts

- Along Needham Street and a limited portion of Route 9 in Chestnut Hill where PMBD may be used on eligible sites zoned Business 4 or Mixed Use 1:

Section 30-15(s)(2)(a)

The Development Parcel shall be located in a Business 4 or Mixed Use 1 District; have frontage on a major or minor arterial, as classified by the City of Newton; and be located in one of the following Overlay Districts which are hereby established: a PMBD Overlay District A, bounded by Boylston Street, Florence Street, and Hammond Pond Parkway; or a PMBD Overlay District B, bounded by Oak Street and Christina Street on the south, the NY-NH-Hartford Railroad right-of-way on the west, Winchester Street and Curtis Street on the north, and encompassing all parcels zoned Mixed Use 1 as of March 23, 2009 on the east. Overlay Districts are specifically defined on PMBD Overlay District Maps on file with the City Engineer, City of Newton;



#46-09 PMBD - Why Overlay Districts?

- Development objectives on Route 9 and Needham Street are similar, so make same PMBD option available in both locations.
- Efficiency:
 - With overlays, PMBD is tied to location rather than to zoning (already the case, since Rt. 9 properties will need zoning change to use current PMBD).
 - If a different approach is used for Needham Street, the zoning ordinance will have a PMBD applicable to Route 9, and the same option with essentially the same requirements available under MU1 zoning.

Proposed PMBD Overlay District A

City of Newton,
Massachusetts

Legend

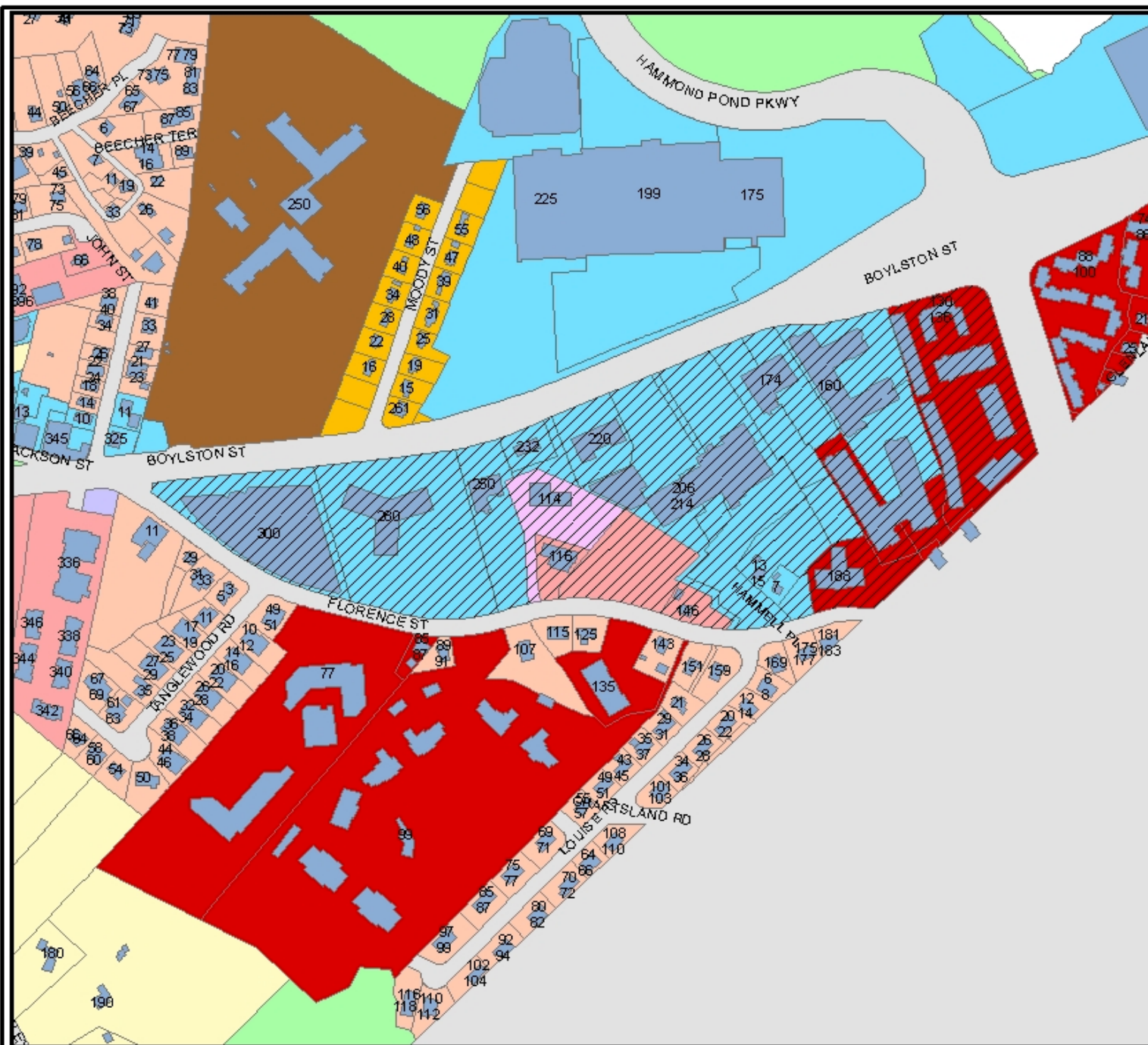
- Proposed PMBD Overlay District A
- Building Overlay
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Unifd Manufacturing
- Manufacturing
- Mult-Res. 1
- Mult-Res. 2
- Mult-Res. 3
- Mult-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec
- Public Use
- Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

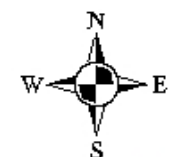
0 50 100 200 300 400 500
Feet

MAP DATE: March 24, 2009



Proposed PMBD Overlay District B

City of Newton,
Massachusetts



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each use of this map is for its intended purpose. City departments will not accept any liability for use of this map for any other purpose.



MAP DATE: March 24, 2009



#46-09 PMBD - Definition

Section 30-1

Overlay Zone. A regulatory tool that creates a special zoning district, placed over an existing zoning district (“base”), which identifies special provisions in addition to those in the underlying base zone.



#46-09 PMBD - Applicability

Section 30-15(s)(9)

Applicability. Buildings, structures, lots and uses within or associated with a PMBD shall be governed by the applicable regulations for the Business 4 or Mixed Use 1 District, except as modified by the provisions of this section. Where provisions of this section conflict or are inconsistent with other provisions of the zoning ordinance, the provisions of this section shall govern.



#46-09 PMBD - Front setback

- Amendment would prevent parking in the front setback, regardless of how a building is situated on a parcel, for public streets only:

30-15(s)(2)(e)

No off-street parking shall be provided in the front setback of retail, office or commercial buildings in relation to a public way.



#46-09 PMBD - Rear access

- Allow developers to provide rear service driveway access to alleviate traffic congestion on arterials:

Sec. 30-15(s)(3)(b)

Mitigation of neighborhood impacts. Mitigation measures have been included to address any material adverse impacts from the PMBD on nearby neighborhoods during construction and, after construction, on traffic, parking, noise, lighting, blocked views, and other impacts associated with the PMBD.

Mitigations may take the form of transit improvements, improved access to transit, traffic calming, rear service driveway access to reduce traffic on the major or minor arterial as classified by the City of Newton, or other roadway changes;

- Rear access roads recommended by the Mayor's Needham Street Corridor Advisory Committee to relieve pressure on Needham Street.



#46-09 PMBD - Density & Dimensional Requirements

- **Footnote (4):** Amend to allow the Board of Aldermen to reduce a front setback in a PMBD *if* developer grants an easement of frontage to the city or state for road widening or other traffic mitigation measures:

Footnote (4). The board of aldermen may grant a special permit to allow the front setback to be decreased from 15 ft. to the average setback in the immediate area, which shall be the average of the setbacks of the buildings nearest thereto on either side of the Development Parcel. A vacant lot shall be counted as though occupied by a building set back fifteen (15) feet from the front setback. The board of aldermen may grant a special permit to allow a further reduction in the minimum required front setback of a building if, as part of the project traffic mitigation plan, an owner deeds or grants an easement of frontage to the city or state in furtherance of required traffic mitigation.



#46-09 PMBD - Density & Dimensional Requirements

- **Footnote (9):** Add new footnote to allow non-residential buildings that abut non-residential districts to have smaller side and rear setbacks than are normally required - from 15' or $\frac{1}{2}$ building height to 5', for streetside or interior non-residential buildings:

Footnote (9): Side and/or rear setbacks of non-residential uses shall be a minimum 5 feet when such setback abuts a non-residential zoning district.



#46-09 PMBD - Density & Dimensional Requirements

- **Footnote (10):** Add footnote to allow decrease minimum “beneficial open space” IF height of all interior and high-rise buildings is lower than the maximum allowed; sets new minimum of 15% beneficial open space:

Footnote (10): For a Development Parcel where the average height of all the interior and high rise buildings is lower than the maximum height allowed for a building pursuant to this Table A, the minimum beneficial open space requirement shall be decreased by 1% for each increment of 10 feet below the maximum building height allowed, subject to a minimum of 15% beneficial open space.



#46-09 PMBD - Density & Dimensional Requirements

- **Footnote (11):** Add footnote to allow Board of Aldermen to grant a special permit to allow mixed-use buildings with streetside facades to be built up to 48 feet in height. Cannot exceed tallest streetside building within 1200 feet; does not change maximum stories:

Footnote (11): For any streetside building with a residential component, the board of aldermen may grant a special permit to allow the height of said building to be increased up to a maximum height of 48 feet, excluding customary rooftop elements, provided that the building height does not exceed the contextual height of the tallest existing streetside building within 1200 feet of the Development Parcel (as of date of ordinance amendment adoption).



#46-09 PMBD - Density & Dimensional Requirements

- “Contextual height” is already used in existing PMBD Footnote 3 and is defined in zoning ordinance:

Sec. 30-1: *Height, contextual*: The vertical distance between the elevations of the following: (a) the Newton Base Elevation utilized by the city as implemented by the engineering division of the department of public works and (b) the mid-point between the highest point of the ridge of the roof and the line formed by the intersection of the wall plane and the roof plane. Not included in such measurements are 1) cornices which do not extend more than five (5) feet above the roof line; 2) chimneys, vents, ventilators and enclosures for machinery of elevators which do not exceed fifteen (15) feet in height above the roof line; 3) enclosures for tanks which do not exceed twenty (20) feet in height above the roof line and do not exceed in aggregate area ten (10) per cent of the area of the roof; and 4) towers, spires, domes and other ornamental features.



#46-09 PMBD - Additional uses

- Amend uses allowed by special permit in PMBDs zoned Mixed Use 1 only.

Proposed Sec. 30-13(h)

(h) Special Permits for Planned Multi-Use Business Developments. For all Development Parcels, in addition to those allowed uses set forth in Section 30- 13(a) and those uses allowed by special permit pursuant to Section 30-13(b), the Board of Aldermen may grant a special permit in accordance with the procedures in Section 30-24, subject to the density and dimensional controls set forth in Section 30-15(s) and the parking requirements set forth in Section 30-19 to use land, buildings and structures for one or more of the following purposes:

- Theatre, hall, or club;
- Bowling alley;
- Personal Services;
- Health Club or like establishment;
- Artist studio; and
- Library, museum, or other cultural institution.

#46-09 PMBD - Loading dock

	<5,000	5,000 - 50,000	50,000- 100,000	100,001- 150,000	151,000- 300,000	Over 300,001*
Current Zoning						
<i>Retail trade, wholesale and storage, transportation terminal, manufacturing, public utility</i>	0	1	2	3	4	4+
<i>Business services; office building; hotel, motel and dormitory, research laboratory</i>	0	1	1	2	3	3+
<i>Recreation/Institution</i>	0	0	1	1	2	2+
Proposed amendment for buildings containing a mix of commercial and residential uses <u>within a PMBD</u>	0	0	1	2	3	4



#46-09 PMBD - Summary

- Establish overlay zones and allow special permit opportunity in overlay zones subject to the approval of the Board of Aldermen.
- Redevelopment of Needham Street is not inconsistent with Comprehensive Plan and has not occurred under current zoning.
- PMBD imposes additional special permit criteria and filing requirements.
- Would facilitate appropriate mixed use development, including possible Northland Investment proposal.



#46-09 PMBD – Consistency with *Newton Comprehensive Plan*

- “Intensive, well planned corridor development is anticipated and welcomed on Needham Street and Chestnut Hill, as long as it is integrated with and helps produce transport enhancements sufficient to make the net impact of that development a positive one.” (3-6)
- Needham St. corridor is the largest of the city’s regional business areas in terms of commercial square footage, and the area in the city with the most potential for additional commercial development. (3-24)
- City should “Implement zoning changes that encourage well-designed mixed-use as an alternative to incrementally haphazard business sprawl, particularly for areas of the City having retail use, public transportation and good pedestrian access, strengthening both business and residential uses over time, and facilitating designs which assure compatibility between commercial and residential uses where such uses adjoin.” (3-29)
- “With infrastructure changes...and careful planning, Needham Street could be enhanced by the addition of appropriately scaled development, including retail.” (3-31)
- City should “Review zoning regulations to encourage appropriate mixed, residential and commercial uses in the commercial corridors.” (6-7)
- Housing important in mixed use areas but constrained by current MU zoning. (3-19)



#46-09 PMBD – Consistency with Other Plans

- Mayor's Needham Street Advisory Committee, 2001 report: create rear access roads to improve circulation.
- Needham Street Consensus Group report to EDC, 1994: redevelop key parcels to upgrade commercial character and improve tax base; also consolidate parcels, connect parking lots, improve appearance.
- Lozano, White & Assoc. report, 1984: establish mixed use zoning, restrict heights to 50', impose setbacks to provide for lane expansion, improve buffers next to residential districts, FAR bonuses for traffic improvements, require 20% min open space.